

**OVERSIGHT INSPECTION  
PROJECT SCHEDULE  
FOR FISCAL YEAR 2003/04**

**June 19, 2003**

# OVERSIGHT INSPECTION PROJECT SCHEDULE FOR FISCAL YEAR 2003/04

## **About this Project Schedule**

The 2003/04 Oversight Inspection Project uses a subset of agricultural use oversight inspections, conducted by Enforcement Branch staff to assess compliance with Worker Protection Standard (WPS) requirements in Butte, Lake, San Benito, Fresno, and Riverside counties. Oversight inspections performed for this project may include WPS Tier 1 inspections.

## **Background**

The WPS compliance assessment survey (1997- 2001) provided valuable information about industry compliance with pesticide laws and regulations. As a continuation of this assessment, the Department of Pesticide Regulation (DPR) directed the County Regulatory Oversight Workgroup (CROW) to develop a plan to remeasure industry compliance levels using the oversight inspection program.

The 2002/03 project schedule was designed to remeasure industry compliance in four counties that had been part of the initial compliance assessment survey. The 2003/04 project will include several counties that were not part of the initial survey. The 2003/04 project includes a representative or focus county from each of the five California Agricultural Commissioners and Sealers Association (CACASA) Area Groups.

For many years DPR performed oversight inspections (formerly called overviews) in conjunction with county agricultural commissioner (CAC) staff as part of our cooperative agreement with the U.S. Environmental Protection Agency. The inspection goal for agricultural use oversight inspections has generally been between 210 and 220 per year. The 2003/04 project schedule designates 200 oversight inspections to measure industry compliance in five focus counties.

## **Purpose**

This schedule is designed to measure industry compliance with WPS in five focus counties. In subsequent years, industry compliance will be measured in additional counties. Data collected during the oversight inspections will be analyzed and compared to the results of the original statewide survey where appropriate. Data collected in counties that were not included in the original compliance assessment project will be used to establish baseline information. DPR and the respective counties may use this information for continuous program evaluation on the effectiveness of the pesticide enforcement programs.

Oversight inspections are being used to measure compliance for the following reasons:

- 1) Using the oversight inspection program allows the CACs to correct violations they observe and to take appropriate enforcement action.
- 2) To allow inspection data to be compiled using the County Pesticide Compliance and Assessment database.
- 3) To collect data on industry compliance as well as provide performance measurement information that the CACs can use in developing negotiated work plans and setting local program priorities.

This project is not a statewide survey. However, we will use the data collected from inspection forms and oversight inspections as a means to set baseline compliance levels for continuous program evaluation.

### **Project Specific Inspection Requirements**

- 1) Only oversight inspections of production agriculture operations covered by the Worker Protection Standard may be submitted for this project. The following types of inspections will be used in this project for data collection:
  - PR-ENF-104 – Pesticide Use Monitoring Inspection
  - PR-ENF-106 – Field Fumigation Use Monitoring Inspection
  - PR-ENF-103 – Field Worker Safety Inspection
  - PR-ENF-109 and 110022 – Production Ag / Other / Dealer / PCA - Pest Control Records Inspections (for WPS Tier 1 inspections)
- 2) In order to standardize the data collected when completing the Field Worker Safety Inspection, you will need to determine grower compliance with the application specific information display requirement (Title 3 California Code of Regulations [3 CCR] section 6761.1). You will need to make this determination for both grower and farm labor contractor (FLC) operations. When inspecting a grower operation, document compliance with the application specific information display requirement in the line provided in the Worker Protection Standard Elements section. When inspecting an FLC, document compliance with the application specific information display requirement in the Remarks section. When conducting WPS Tier 1 inspections, also document compliance on the WPS Report Supplement PR-ENF-081. Violations of this requirement are the responsibility of the grower. When a non-compliance with this requirement is found during an inspection of an FLC, it should be documented separately and delivered to the grower (i.e., using a Violation Notice (VN) or Headquarter and Employee Safety Inspection).
- 3) Oversight inspections must be performed according to the Oversight Inspection Procedures Manual and the Inspection Procedures Manual. WPS Tier 1 inspections must also comply with the procedures outlined in the DPR Procedures for Conducting WPS Overview Inspections.

## **WPS Tier 1 Inspections**

The oversight inspection procedures require that Enforcement staff remain passive observers throughout the inspection process. All questions and observations are conducted through the county biologist. Although the new general inspection procedures incorporate much of the content of the WPS Tier 1 inspection, the WPS Tier 1 inspection still requires some items that are not mandatory in the Inspection Procedures manual (i.e., 3 CCR section 6618 Notice of Applications). During the initial CAC meeting, the liaison senior should determine how the CAC wants to handle these items. The preferred method is for Enforcement staff to maintain the observer role and have the biologist address these additional items. If this is not acceptable to the CAC, Enforcement staff may take the active role for the additional items and ask any necessary questions and make any additional observations required to complete the WPS Tier 1 inspection. The senior pesticide use specialist (SPUS) liaison should inform all Enforcement staff working in that county of the procedure determined in the initial CAC meeting.

## **Schedule**

During fiscal year 2003/04, DPR will measure compliance in the counties of Butte, Lake, San Benito, Fresno, and Riverside. Two hundred oversight inspections will be conducted in these counties during fiscal year 2003/04. The number of oversight inspections for each county was based on the amount of production agriculture activity as determined from pesticide use reporting data and CAC workload as determined from the Pesticide Regulatory Activities Monthly Report information. It should be noted that the SPUS liaison of the five focus counties will have the additional workload of performing the follow-up activities on all of the oversight inspections in their county.

Enforcement staff should review the following targeting strategy prior to scheduling their oversight inspections. In order to provide representative data, schedule and perform your oversight inspections using the following goals to the extent practical:

- Perform oversight inspections throughout the year but focus the inspections to reflect peak seasonal activity.
- Inspect the ratio of pest control businesses to growers and growers to farm labor contractors that is representative of the work being performed in the county.
- Target field worker inspections that are representative of all crops and activities being performed in the county.
- Perform oversight inspections with all county inspectors.
- Perform oversight inspections in all areas or districts within the county.

The following table indicates the number of oversight inspections to be performed in each quarter of the 2003/04 fiscal year.

**Table 1. County Specific Oversight Inspection Goals for Fiscal Year 2003/04**

<b>QUARTER</b>	<b>BUTTE</b>	<b>LAKE</b>	<b>SAN BENITO</b>	<b>FRESNO</b>	<b>RIVERSIDE</b>
July-September	7	7	14	24	13
October-December	5	5	4	9	12
January-March	9	12	4	6	12
April-May	14	11	8	11	13
<b>TOTAL</b>	<b>35</b>	<b>35</b>	<b>30</b>	<b>50</b>	<b>50</b>

### **Initial CAC Meeting**

Regional office staff will arrange a meeting with the CAC and the pesticide program deputy CAC of each of the five counties listed above before starting the oversight inspection project. The regional supervisor and SPUS liaison will meet with the CAC and deputy CAC to explain the program. Describe the basic procedures and the follow-up procedures. Discuss the imminent hazard procedures and WPS Tier 1 procedures, and solicit comments and suggestions from the CAC on implementing the program. DPR staff should use the initial CAC meeting agenda and provide the CAC with the Oversight Inspection Procedures Manual and the Project Schedule at least one week prior to the meeting.

### **Documentation**

Document your oversight inspections according to the procedures outlined in the Oversight Inspection Procedures Manual. Provide a copy of the oversight inspection package to the SPUS liaison for the county. If the CAC wants a copy of the oversight inspection package (DPR inspection County Oversight Summary and Issue Review documentation), the SPUS liaison will provide it after it has been completed and reviewed by the regional supervisor. If requested, a copy of the DPR oversight inspection may be provided to the CAC at the time it is completed.

### **Follow-Up Requirements**

Follow-up procedures are the same as outlined in the Oversight Inspection Procedures Manual. The SPUS liaison for each focus county will be responsible for all follow-up activities and documentation.

## COMPLIANCE ASSESSMENT OVERSIGHT INSPECTION PROGRAM INITIAL CAC MEETING AGENDA

- 1) Purpose of oversight inspection program – To measure industry compliance with WPS requirements and provide inspection program performance measurement information that the CAC can use in developing negotiated work plans and setting local program priorities. Provide CAC with a copy of the initial CAC meeting agenda and the Oversight Inspection Procedures Manual. In focus counties, also provide the CAC with the Compliance Assessment Project Schedule.
- 2) In focus counties, an informal summary report on the county oversight inspections will be provided to the CAC at the end of the year. The report is a public document but will not be published.
- 3) Communication with biologists and CAC management – Discuss how the oversight inspections will be scheduled.
  - Will the CAC provide a schedule of biologist names and when and where they normally conduct inspections? If not, determine what the scheduling process will be. The program must involve all county biologists that perform inspections.
  - The SPUS liaison will conduct all follow-up and issue negotiations with the CAC.
- 4) Oversight inspection protocol:
  - The specialist\* will remain unobtrusive while the county performs the inspection.
  - The specialist will obtain the yellow copy of the county inspection form after the biologist and the inspected person have signed it.
  - The specialist will conduct any additional inspection activity through the biologist after the county biologist has completed their inspection.
  - When the specialist is performing a WPS Tier 1 inspection, they will need to obtain information not included in the standard Inspections Procedures Manual. For additional WPS Tier 1 questions, the CAC should decide if the county biologist or the specialist would be asking these questions.
  - The SPUS liaison will resolve all discrepancies between the specialist's and the biologist's inspections with the CAC and document the discussion on an Issue Review form.
- 5) If the specialist observes activities that create an imminent hazard, the specialist will encourage the biologist to issue a Stop Work Order or Cease and Desist. If the biologist does not wish to do so, the specialist will temporarily halt the activity and immediately contact the CAC. The CAC will decide how the situation will be handled. The specialist will document the incident and inform the regional supervisor.
- 6) Solicit suggestions and comments from the CAC on how to make the program work efficiently. Respond to any questions received from the CAC. Document any questions that are not resolved at the meeting and refer to the County Regulatory Oversight Workgroup.

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\* For the purposes of this document, the term "specialist" shall refer to a DPR senior pesticide use specialist or pesticide use specialist.